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75-306
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R75-448
mcdonald

Mr. James W. DeVoe, President
Arizona State Board of Cosmetology
1645 West Jefferson
Phoenix, Arizona 85007

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ARIZONA ATTORNEY GENERAL

Dear Mr. DeVoe:

We are in receipt of your letter inquiry asking whether the term "advanced" when used in the name of a cosmetology school constitutes false advertising. You advised that the school in question teaches only the basic courses required by the Arizona Cosmetology Law.

The State Board of Cosmetology is empowered with suspending or revoking a cosmetology school license if the school advertises by means of "knowingly false or deceptive statements". A.R.S. § 32-552. See also Cosmetology Rule R4-10.04. We agree with your observation that the term "advanced" connotes something more than the rudimentary. However, even a cursory examination of the Phoenix Yellow Pages reveals that the term "advanced" is popularly used in a variety of business names. The prohibition contained in § 32-552 appears to be directed more towards actual advertising statements as opposed to the proper names under which a cosmetology school operates. Although, we can envision instances where the school name itself could be so misleading that its appearance in an advertisement would violate the statute, that does not seem to be the situation here. As a descriptive appellation, "advanced" is mere puffing. In light of its popular usage, a cosmetology school choosing to name itself "advanced" would not be engaging in false or deceptive advertising within the meaning of A.R.S. § 32-552.

Sincerely,

BRUCE E. BABBITT
Attorney General

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